

**STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION**

In the Matter of Tyler J. Orth

) **FINAL ORDER**
) Case No. INS 14-08-002

History of the Proceeding

The Director of the Oregon Department of Consumer and Business Services (director), by and through the Insurance Division, commenced this administrative proceeding, pursuant to Oregon Revised Statutes (ORS) 731.256, to take enforcement action against Tyler J. Orth (Orth).

On 8/25/14, the director issued a notice of proposed action informing the party that the director proposed to revoke Orth's Oregon resident individual insurance producer license pursuant to ORS 744.074. The notice also informed the party that the party was entitled to a hearing pursuant to ORS 183.415, and if the party wanted a hearing then the party had to send to the director a written request for a hearing so that the director received it by 9/15/14. The notice further informed the party that if a hearing was not conducted because the party did not timely request a hearing or otherwise defaulted then the designated portion of the Insurance Division's file and all materials submitted by the party in this case would automatically become part of the contested case record for the purpose of proving a *prima facie* case.

The director did not receive from the party a request for a hearing and did not conduct a hearing.

The director finds that the record of this proceeding proves a *prima facie* case.

The director now makes the following final decision in this proceeding.

Findings of Fact and Conclusions of Law

Licensing Information

Orth has been licensed in Oregon as a resident individual insurance since 1/2/13. Orth's license is scheduled to expire on 11/30/15. Orth's NAIC national producer

number is 16859294. Orth's last recorded residence street address is 711 SW Burlingame Circle, Troutdale, OR 97060-3152; telephone number is 503-575-5001; and e-mail address is orth.tyler@yahoo.com. Orth's last recorded business street address is JAG Nissan LLC dba Nissan of Gresham [NPN 16593573], 3265 SW Sundial Avenue, Troutdale, OR 97060-1285; telephone number 503-405-9520, and e-mail address is torth@nissanofgresham.com. However, as indicated below, the director has reason to believe that Orth is no longer working at Nissan of Gresham.

Failed to Respond to Director's Inquiry

Orth is subject to enforcement action pursuant to ORS 744.074(1)(b) for violating ORS 731.296. ORS 744.074(1)(b) permits the director to take any authorized enforcement action against a person who has applied for a license or is licensed in Oregon as an insurance producer if the person violated any insurance statute; or any rule, order, or subpoena, of the director or the insurance regulator of another state. ORS 731.296 requires a person who is licensed in Oregon in any capacity under the Insurance Code to promptly and truthfully respond to an inquiry from the director. ORS 744.068(4)(a) requires a person licensed in Oregon as an insurance producer to notify the director of a change of address or telephone number of the principal place of business or any location at which the insurance producer transacts business not later than the 30th day after the date of the change. ORS 744.068(4)(c) requires a person licensed in Oregon as a resident insurance producer to notify the director of a change in residence address not later than the 30th day after the date of the change. As of about 10/8/13, the director had reason to believe that Orth stopped working at Nissan of Gresham, 3265 SW Sundial Avenue, Troutdale, OR 97060 on 1/7/13 but had failed to notify the director of the change of business address. On 10/31/13, the director and Orth had a telephone conversation about this matter. On the same date, 10/31/13, the director sent an e-mail to Orth to orth.tyler@yahoo.com requesting him to provide his current residence and business address(es) and telephone number(s) to the director by 11/4/13. The director did not receive from Orth any response to the e-mail. On 11/6/13 @ 7:45 AM, the director sent an e-mail to Orth again requesting him to provide the

information. The director did not receive from Orth any response to the e-mail. On 7/15/14, the director sent to Orth a letter dated 7/15/14. The director sent the letter by e-mail, and by first class and certified mail addressed to 711 SW Burlingame Circle, Troutdale, OR 97060-3152. The letter requested Orth to again provide the information to the director by 8/5/14. The US Postal Service (USPS) attempted to deliver the letter to Orth on 7/16/14 and left Orth a notice on 7/16/14, 7/25/14 and 8/1/14 that the letter was available to be claimed. Orth did not claim the letter. On 8/6/14, the director received the letter sent by certified mail unclaimed. The director did not receive from Orth any response to the letter.

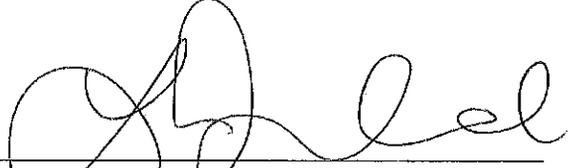
Order

Pursuant to ORS 744.074(1), Orth's Oregon resident individual insurance producer license is revoked on the date of this order.

Notice of Right to Judicial Review

A party has the right to judicial review of this order pursuant to ORS 183.480 and ORS 183.482. A party may request judicial review by sending a petition for judicial review to the Oregon Court of Appeals. The court must receive the petition within 60 days from the date this order was served on the party. If the order was personally delivered to a party, then the date of service is the date the party received the order. If the order was mailed to a party, then the date of service is the date the order was mailed to the party, not the date the party received the order. If a party files a petition, the party is requested to also send a copy of the petition to the Insurance Division by delivering it to the Labor and Industries Building, 350 Winter Street NE Room 300, Salem, Oregon 97301-3880; or mailing it to PO Box 14480, Salem, OR 97309-0405; or faxing it to 503-378-4351; or e-mailing it to mitchel.d.curzon@state.or.us.

Dated SEP 24 2014



Laura N. Cali, FCAS, MAAA
Insurance Commissioner and Chief Actuary

**STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION**

In the Matter of Tyler J. Orth

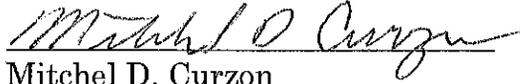
) **CERTIFICATE of**
) **SERVICE of**
) **FINAL ORDER**
) Case No. INS 14-08-002

I certify that I sent the final order to the following person(s) on the date and by the means indicated below:

Tyler J. Orth
711 SW Burlingame Circle
Troutdale, OR 97060-3152

- | |
|---|
| <ul style="list-style-type: none">✓ US Certified Mail Article No.
7008 3230 0001 1527 9514✓ US First Class Mail✓ E-mail to orth.tyler@yahoo.com |
|---|

Dated SEP 24 2014


Mitchel D. Curzon
Chief Enforcement Officer

//
//
//